

2018 Housing and Land Use Bills

*Indicates Priority Bill

Planning and Zoning Bills

***AB 2923 (Chiu, Grayson, Mullin) BART: TOD**

This measure gives BART land use authority over their property. Requires BART to establish TOD zoning standards – minimum 75 units per acre, no parking requirements, mix use. City must update their zoning within 2 years. Applies to 250 acres at 27 current and planned stations. Applies SB 35 streamlining even in non SB 35 cities. Requires SB 35 labor provisions.

Position: Oppose

***SB 765 (Wiener) Planning and Zoning: Streamlined Approval Process**

This measure makes a number of changes to the streamlining approval process as mandated by SB 35 (Wiener), Chapter 366, Statutes of 2017. Most notably, this measure expands the by-right approval process to include housing projects that contain 50% or more units affordable to households making below 120% of area median income. Additionally, SB 765 requires the nonresidential portion of a mixed-use project to be subject to the streamlined and ministerial approval process.

Position: Oppose

SB 1333 (Wieckowski) Planning and Zoning: Charter Cities

This measure applies local planning and zoning requirements to charter cities in the same manner as general law cities.

Position: Pending

Regional Housing Needs Assessment (RHNA)

***SB 828 (Wiener) Land Use: RHNA**

This measure requires a local jurisdiction to plan and accommodate 125% of RHNA. Adds additional criteria to the methodology for the comprehensive assessment for unmet housing need.

Position: Oppose unless amended

***AB 1771 (Bloom) Regional Housing Needs Assessment**

This measure makes numerous changes to the regional housing needs allocation (RHNA) process including: plan objectives, methodology, distribution, and appeals process.

Position: Pending – Oppose unless amended

Accessory Dwelling Units

***SB 831 (Wieckowski) Accessory Dwelling Units**

This measure requires ministerial approval of ADUs on any lot that allows for the construction of a home. Local agency must act within 60 days of submitted application or application is deemed approved. SB 831 prohibits minimum lot size requirements unless specific findings are made that identify adverse public safety impacts. This measure exempts ADUs from locally adopted impacts fees.

Position: Oppose

AB 2071 (Bloom) Accessory Dwelling Units

This measure limits the City of Los Angeles' liability with regard to an owner attempting to bring the ADU into compliance with applicable local agency rules, regulations, or ordinances.

***AB 2890 (Ting) Accessory Dwelling Units**

This measure is similar to SB 831. However, one major difference is AB 2890 maintains existing law, which allows local governments to impose impact fees on ADUs.

Position: Oppose

SB 1226 (Bates) Accessory Dwelling Units

This measure requires the Department of Housing and Community Development (HCD) to propose the adoption of a building standard to authorize a local enforcement official to determine the date of construction of a residential unit, apply the building standards in effect of that date of construction, and issue a retroactive building permit when a record of the issuance of a building permit for the construction of an existing residential unit does not exist.

Position: Watch

Density Bonus

SB 1227 (Skinner) Density Bonus

This measure requires a density bonus to be provided if the development includes at least 20% of the total rental beds for students enrolled at an institution of higher education accredited by the Western Association of Schools and Colleges. Requires that these units be subject to a recorded affordability restriction of 55 years and be provided at the same affordability level as very low income units. Sets the density bonus at 35% of the number of these units.

Position: Watch

AB 2372 (Gloria) Density Bonus

This measure authorizes a city council or county board of supervisors to establish a procedure by ordinance to grant a developer of an eligible housing development a floor area ratio bonus in lieu of a density bonus awarded on the basis of dwelling units per acre. Restricted to multifamily developments.

Position: Watch

AB 2753 (Friedman) Density Bonus

This measure requires a city or county to provide additional information to an applicant who is applying for a density bonus, when an application is deemed complete.

Position: Watch

AB 2797 (Bloom) Density Bonus

This measure requires any density bonus, concessions, incentives, waivers, or reductions of development standards, and parking ratios to which the applicant is entitled to under the statutes related to density bonuses (Density Bonus Law) to be permitted in a manner that is consistent with Density Bonus Law and the California Coastal Act of 1976 (Coastal Act).

Position: Watch

Parking Restrictions

AB 2263 (Friedman) State Historical Buildings: Parking

This measure requires a local agency to provide for a reduction in parking requirements when a development project that is designated as a historical resource is being converted or adapted to another use. Provides that for a development project that is converting to a residential use within one-half mile of

a major transit stop a local agency shall not require more parking spaces than the number of parking spaces that existed on the project at the time the project application was submitted. Provides for a project that is being converted to a non-residential use a local agency shall provide a 25% reduction in the amount of parking spaces that would otherwise be required. Defines "qualified historical resource" to mean a property officially designated on a local register of historical resources, the California Register of Historical Resources, or the National Register of Historic Places.

Position: Watch

Homelessness

AB 2161 (Chiu) Housing: Homeless Integrated Data Warehouse

This measure directs the Department of Housing and Community Development to create a state homeless integrated data warehouse, in coordination with the Homeless Coordinating and Financing Council, to develop a composite portrayal of the homeless population in the state and the services provided to this population or to those at risk of becoming homeless. Data includes: the number of individuals and families experiencing homelessness, their access to benefits, and the stated reasons for their homelessness.

Position: Watch

AB 2162 (Chiu) Planning and Zoning: Supportive Housing

This measure requires that supportive housing be a use by right in zones where multiple dwelling uses are permitted, including commercial zones. Projects must: Be subject to recorded affordability restrictions for 55 years. 100% of the units are dedicated to "low-income households" (80%). 35% of the units are restricted to supportive housing.

Position: Pending

Mitigation Fees

SB 1202 (Stone) Land Use: Development Fees

This measure requires a local agency that does not make the required identifications and determinations in connection with a certain fees but requires the payment of that fee in connection with a development project for 3 consecutive years, to decrease the amount of that fee by 50% and would prohibit the local agency from establishing, increasing, or imposing any other development fees.

Position: Watch

***AB 3147 (Caballero) Mitigation Fee Act**

This measure prohibits a housing development project from being subject to a fee, charge, dedication, reservation, or other exaction that is more than that in effect at the time that the application for the housing development project is determined to be complete.

Position: Oppose – bill died

Housing Accountability Act

AB 3194 (Daly) Housing Accountability Act: Project Approval

This measure prohibits a housing development project from being found inconsistent, not in compliance, or not in conformity, with the applicable zoning ordinance, and would prohibit a local government from requiring a rezoning of the project site, if the existing zoning ordinance does not allow the maximum residential use, density, and intensity allowable on the site by the land use or housing element of the general plan.

Position: Neutral with recent amendments

Miscellaneous

***SB 946 (Lara) Sidewalk Vendors**

This measure prohibits a local authority from adopting rules or regulations that regulate or prohibit sidewalk vendors unless it first adopts a sidewalk vending licensing program that requires a sidewalk vendor to obtain a license from the local authority before selling food or merchandise. Prohibits restricting the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns. Prohibits restricting licensed sidewalk vendors from selling food or merchandise in a park.

Position: Oppose unless amended

AB 686 (Santiago) Housing Discrimination - Affirmatively Further Fair Housing

This measure requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is inconsistent with this obligation.

Position: Neutral with recent amendments

AB 1979 (Bonta) Personal Income Tax Deduction: Home Ownership Savings Account

This measure provides that a qualified taxpayer may withdraw amounts from a homeownership savings account to pay for qualified homeownership savings expenses, defined as expenses paid or incurred in connection with the purchase of a principal residence in this state. Provides that any amount withdrawn from that account that is not used for these expenses would be included as income for that taxpayer.

Position: Support – Held in Assembly Appropriations Committee

AB 2598 (Quirk) Nuisance Abatement

This measure updates the existing fine schedule for violations of city or county ordinances and building codes. Authorizes an additional fine for repeated violations of commercial property owners who fail to maintain their properties.

Position: Support

AB 3061 (Gloria) Massage Establishments

This measure expresses the intent of the Legislature to enact legislation that would create a massage establishment owner registry to assist a city, county, or city and county in reporting and tracking the activities of massage establishment owners.

Position: Watch

***AB 3162 (Friedman) Alcoholism or Drug Abuse Recovery or Treatment Facilities**

This measure requires, for any licensing application submitted on or after January 1, 2019, the department to deny an application for a new facility license, if the proposed location is in proximity to an existing facility that would result in overconcentration (300 ft.). Requires that the initial license be provisional for 1 year. Requires the department, at least 45 days prior to approving any application for any new facility, to post on its Internet Web site the address of the proposed new facility. Increases fines and penalties for operating outside of license (was \$25, now \$1,000 min & \$15,000 max per day, per violation).

Position: Support